

CRM-M-45988 of 2017

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45988 of 2017
Date of Decision: 02.12.2017

Harjinder Kaur

....Petitioner

Versus

Gurinder Singh Bal and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. H.P.S. Ghuman, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C., order dated 11.10.2017 (Annexure P-1) passed by learned Chief Judicial Magistrate, Patiala, transferring the case from one Court to another, upon the application of respondent No.1-accused, has been assailed.

Learned counsel for the petitioner contends that the learned Chief Judicial Magistrate transferred the case from the Court of Sh. Harmanjit Singh Deol, Judicial Magistrate Ist Class, Nabha, to the Court of Ms. Pamel Preet Grewal, Sub Divisional Judicial Magistrate, Nabha, without hearing the petitioner and calling the comments of learned JMIC, who had directed respondent No.1, who is an Inspector in the Police Department, Punjab, to appear after lunch taking into consideration that on 18 dates he had not appeared and sought his exemption from personal appearance by moving successive applications on frivolous grounds. Despite that, respondent No.1 did not appear after lunch before learned JMIC forcing the Court to issue

Non-bailable warrants, which he assailed before learned Additional Sessions Judge, Patiala, who vide his order dated 28.09.2017, seeing the conduct of

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respondent No.1, directed him to appear on each and every date before the trial Court. Respondent No.1, being a police official, has no respect for the law Courts and has illegally got transferred the complaint against him.

After going through the file and the zimni orders reproduced/annexed with the petition, I am not inclined to set aside the impugned order dated 11.10.2017 (Annexure P-1) passed by learned Chief Judicial Magistrate, Patiala, transferring the case to the Court of Ms. Pamel Preet Grewal, SDJM, Nabha, for the simple reason that in such type of matters, cases are generally transferred to save the Court from any allegations or counter-allegations. However, perusal of the zimni orders passed by the transferrer Court shows that respondent No.1 being an Inspector in the Police Department, Punjab, had intentionally not appeared before it and 18 times sought exemption for his personal appearance by moving applications, may be frivolous one and must be with mala fide intentions to delay the proceedings. Learned Additional Sessions Judge has rightly directed respondent No.1 to appear before the trial Court at once and keep on appearing on each and every date, otherwise cancel and forfeit his bail bonds and surety bonds.

Considering all these facts, respondent No.1 is directed to appear on each and every date before the trial Court. In case, he would absent on any date or would seek exemption from personal appearance, the trial Court would levy a cost of ₹ 20,000/- upon him for wasting the precious time and energy of the Court.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the

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respondents may move this Court for recalling this order within six weeks from today.

A copy of this order be sent to the transferee Court, which shall conduct the trial expeditiously in view of the fact that trial has already delayed for three years on account of absence/seeking exemption by respondent No.1.

December 02, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No